



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20580

Division of Enforcement
Bureau of Consumer Protection

January 3, 2002

John M. Manos, Senior Counsel
Office of Legal Counsel
The May Department Stores Company
611 Olive Street
St. Louis, Missouri 63101

Dear Mr. Manos:

The Division of Enforcement staff has conducted an investigation of The May Department Stores Company with respect to the fiber contents of certain coats labeled as containing 80% lambs wool and 20% cashmere. We have now closed that investigation. This action is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

The Wool Products Labeling Act, 15 U.S.C. § 68 *et seq.*, does not provide any tolerance for the fiber content labeling of wool products. The Textile Fiber Products Identification Act, 15 U.S.C. § 70 *et seq.*, provides for a 3% tolerance to allow for small, unintended inconsistencies in the manufacturing process. As a practical matter, we generally also apply the 3% tolerance to products containing wool. We believe that manufacturers exercising due care in their manufacturing processes should have no difficulty in producing fabric that is accurately labeled within the 3% tolerance. Of course, no tolerance is afforded for intentional mislabeling.

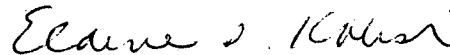
Our experts in fiber content analysis tell us that although some wool fibers have been bred to be ultra fine - with the same diameter as some cashmere fibers - the difference between wool and cashmere can be discerned by a qualified expert using a microscope, based on differences in the structure, appearance, and height of the scales on the fiber. I want to emphasize that we place great importance on regular testing by qualified and independent labs, to ensure accurate fiber content labeling. Garment manufacturers, importers, and distributors are responsible for ensuring the accuracy of fiber content labels on their garments.

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We suggest that if The May Department Stores Company wishes to rely on a guarantee from the seller, the company obtain a seller guarantee that is properly worded under the Rules and Regulations under the Wool Products Labeling Act, 16 C.F.R. Part 300. The guarantee should be placed on a document generated by the seller, with its printed name or signature and address. A generic contract form produced by the buyer and stating that "vendor will comply with all applicable laws and regulations, including" does not comply with the requirements of 16 C.F.R. § 300.32. Your company might also choose to require that any U.S. importer or wholesaler from which it purchases wool products file a continuing guarantee with the Federal Trade Commission. The requirements for a continuing guarantee are found at 16 C.F.R. §§ 300.33 and 303.38(b).

We appreciate your cooperation in this matter.

Sincerely,



Elaine D. Kolish
Associate Director
Division of Enforcement